

**REMARKS**

Claims 5-11 remain pending in the Application. For the reasons set out below, reconsideration of the rejection of claims 5-11 is respectfully requested.

**The Pending Claims Are Not Anticipated in View of the Applied Art**

The Action is the third, non-final office action in the case. In the Action, claims 5-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schneider, et al., U.S. Patent No. 6,178,505, ("Schneider"). This rejection is respectfully traversed.

**The Applied References Do Not Disclose or Suggest the Features and Relationships Recited in Applicants' Claims**

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based

on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

**Pending Claims 5-11 Are Not Anticipated By Schneider**

In the Action claims 5-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schneider. These rejections are respectfully traversed. Applicants' response to these rejections is based on the Office's referenced interpretation of Schneider. Thus, any change in the Office's interpretation of the Schneider reference shall constitute a new ground of rejection.

In the application, a computer security service is disclosed and claimed for a computer network accessible by users. The service permits policy managers to define access policies to allow or disallow access to network services and resources. The service also provides for a web-based delegated administration component. This web-based component is accessible to users, as opposed to policy managers. The web-based component allows users to define access policies using a graphical user interface.

In comparison, the disclosure of the Schneider reference describes a set of identical access filters that are definable by administrators in a virtual private network. Changes to the set of identical access filters are definable by administrators and the change is propagated across the set of access filters to ensure that the same set of policies is applied across a virtual private network.

Turning in particular to the rejections raised in the Action with respect to claim 5, it is noted that claim 5 expressly recites "a web-based delegated administration component accessible to users". This aspect of claim 5 provides a user (shown, for example, as user 10 in Figure 1) with access to a web-based service for administration. The Examiner has made reference to col. 25, lines 12-65 to indicate that this aspect of the claim is found in Schneider. However, the interface referred to at col. 25 in Schneider is concerned with the display to a user of a defined set of resources that the user is able to access. This is quite different from the web-based administration component recited in claim 5. For example, claim 5 specifically recites that the web-based delegated administration component is accessible to users "for defining access policies for the computer network users, services and resources." The interface defined by claim 5 is not merely to allow a user to "find and access resources" (col. 25, line 26) as disclosed in the Schneider reference. Rather, the "user interface" recited in claim 5 permits a user to use the web-based component to set access policies.

The Schneider reference permits a defined set of administrators (which arguably may correspond to the "policy managers" recited in claim 5) in a virtual private network environment to set access policies which are then propagated across the virtual private network. There is no teaching or suggestion in the Schneider reference that a web-based tool be made available to allow policy managers to permit users to define access policies for the network. Further Schneider teaches away from the structure recited in claim 5 by teaching that the users must send an e-mail to an administrator when they wish to have access to a particular resource (col. 25, lines 51-54).

Claim 5 recites that there are "policy managers" who have access to "a policy builder component" and that a different set of "users" are given access to the "web-based administration component". The capacity to provide a web-based administration component to users (as opposed to policy managers associated with the network itself) is neither taught nor suggested in the Schneider reference.

With respect to claim 9, it is further respectfully submitted that the Schneider reference does not disclose or suggest an interface displaying a grid with nodes laid out on axes, as is recited in the claim. The Schneider reference teaches a column-based arrangement used to define access policies. The arrangement of users and resources on two axes of a grid as recited in claim 9 is not shown in the figures of the Schneider reference, nor is it disclosed or suggested in column 31 of the reference as asserted in the Action. Rather, only a set of linked database tables is described. The connections between the tables in the Schneider reference set out the logical relationships relating to resource access, as opposed to the position of nodes in a grid as is recited in claim 9. Thus the grid presentation recited in claim 9 of the application is a feature of the security service that is not described or suggested in the Schneider reference.

Schneider does not disclose or suggest each and every element, feature and relationship of the claimed invention arranged in the manner recited in the claims, as is required to sustain the objection. Hence, Applicants' claims 5-11 patentably distinguish over the Schneider reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection has been overcome and should be withdrawn.

**Additional Claim Fees**

There is no fee is due with the submission of this Response. However, for any other fees due associated with the prosecution of this Application, please charge Deposit Account No. 10-0637 of Walker & Jocke.

**Conclusion**

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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